

APPEAL NO. 020665
FILED APRIL 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 27, 2002. The hearing officer decided three issues, two of which (extent of injury and disability) have not been appealed and have become final. Section 410.169. With respect to the third issue, added by unanimous request of the parties at the CCH, the hearing officer determined that the diagnosis of a depressed fracture of the anterior medial tibial plateau, tear of the posterior horn of the medial meniscus, tear of the proximal posterior cruciate ligament, and partial tear of the anterior cruciate ligament is not solely caused by an injury occurring on _____. The appellant (carrier) appealed the sole cause determination on sufficiency of the evidence grounds. The respondent (claimant) did not reply.

DECISION

Affirmed.

Conflicting evidence was presented regarding the disputed issue of sole cause. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and the conflicting medical opinions was for the hearing officer to determine as the finder of fact. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE
FUND** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge